

**Bronx County Supreme Court  
COMPLIANCE CONFERENCE ORDER  
Part IA-11**

LAURA G. DOUGLAS  
Justice, Supreme Court

**Present:**

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JAVIER, Marisol et al.

Index No. 25643 12015 E

Plaintiff(s),

- against -

Hyde Leadership Charter  
School

Defendant(s).

Date RJI filed: 1/11/16

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**UPON** the Preliminary Conference Order dated 2-25-16, and following a Compliance Conference held on 9-12-17, and it appearing that disclosure was previously ordered herein and has not been completed, or that additional disclosure is warranted, it is hereby

**ORDERED** that disclosure shall proceed and be completed in accordance herewith; and it is further

**ORDERED** that proceedings directed herein shall be completed on or before the dates set forth. No adjournments, postponements or alterations of this order are permitted without the court's written approval, and none may be had upon the stipulation of the parties alone; and it is further

**ORDERED** that disclosure demands now known to be necessary which are not raised at this conference are deemed to be waived, unless otherwise ordered by the Court; and it is further

**ORDERED** that any statutory stays of disclosure due to the pendency of motions pursuant to CPLR §§ 3211, 3212 and 3213 are vacated; and it is further

**ORDERED** that any parties failing to appear at this conference shall be bound by the terms of this order; and it is further

Revised 12/04/03

## COMPLIANCE CONFERENCE ORDER

Page 2 of 3

**ORDERED** that the outstanding discovery shall be provided as follows:

1. **INSURANCE COVERAGE:** To be provided by Provided
2. **BILL OF PARTICULARS:**    A. Response to be provided by Provided ;  
Dated: July 1, 2016    B. Supplemental Bill of Particulars as to items:  
\_\_\_\_\_  
\_\_\_\_\_  
To be served by \_\_\_\_\_ ;  
   C. D & I by \_\_\_\_\_ to be served by \_\_\_\_\_ ;  
   D. Responses to \_\_\_\_\_ 's D & I dated \_\_\_\_\_ to  
be served by \_\_\_\_\_ ;
3. **AUTHORIZATIONS:** ☒ A. For Medical Records (specifically for Psychotherapy  
notes)  
to be served by 10/15/17 ;  
   B. Authorizations for Plaintiff's:  
\_\_\_\_ Employment Records;  
\_\_\_\_ W-2 Records for Period \_\_\_\_\_ ;  
\_\_\_\_ Other (Specify) \_\_\_\_\_ ;  
To be served by: \_\_\_\_\_ .  
   C. For \_\_\_\_\_  
to be served by \_\_\_\_\_ ;
4. **EXAMINATION BEFORE TRIAL:** \_\_\_\_\_ Plaintiff \_\_\_\_\_ Defendant ☒ All Parties  
   A. To Be Held On 12/27/17 ; 12/28/17 at 10:00 A.m.  
At \_\_\_\_\_ or unless otherwise  
agreed, the Bronx Supreme Court Building, Room 118.  
Any EBT's not completed on said date will be continued  
on \_\_\_\_\_ .  
   B. Limitations: \_\_\_\_\_  
\_\_\_\_\_  
   C. Post EBT demands to be served by \_\_\_\_\_  
and must be responded to by \_\_\_\_\_ .

**NOTE:**  
**NO POSTPONEMENTS**  
**ARE PERMITTED**  
**WITHOUT COURT**  
**APPROVAL.**

**FAILURE TO COMPLY WITH THIS SCHEDULE WILL RESULT IN THE  
PRECLUSION OF THE OFFENDING PARTY OR WAIVER OF EBT BY NON-  
APPEARING PARTY, UNLESS OTHERWISE ORDERED BY THE COURT.**

Revised 4/15/08

## COMPLIANCE CONFERENCE ORDER

Page 3 of 3

5. PHYSICAL  
EXAMINATION:

- ☒ A. Defendant to designate physician(s) in writing by 30 days after completion of EBT
- ☒ B. Examination to be held by 45 days after completion of EBT
- ☒ C. Copy of physician's report to be furnished within 30 days of examination.

- FAILURE TO TIMELY DESIGNATE WILL RESULT IN A WAIVER OF SUCH EXAMINATION, UNLESS OTHERWISE ORDERED BY THE COURT.
- FAILURE TO COMPLY WILL RESULT IN PLAINTIFF'S PRECLUSION FROM OFFERING ANY EVIDENCE AT TRIAL REGARDING THEIR PHYSICAL CONDITION, UNLESS OTHERWISE ORDERED BY THE COURT.

6. OTHER  
DISCLOSURE:

- ☐ A. None.
- ☐ B. All parties to exchange names and addresses of all witnesses, opposing parties' statements and photographs. If none, an affirmation to that effect shall be exchanged by \_\_\_\_\_.
- ☐ C. Other: \_\_\_\_\_

To be served by \_\_\_\_\_;

and it is further

**ORDERED** that plaintiff \_\_\_\_\_ shall serve and file a Note of Issue and Certificate of Readiness on or before 4/30/18. The failure to file a Note of Issue as required by this order may subject the plaintiff to fines. Plaintiff may not file a Note of Issue unless all discovery due by plaintiff has been completed pursuant to this order. A party that files a Note of Issue where that party has not complied with this order may be subject to costs and/or sanctions; and it is further

**ORDERED** that failure to comply with the directives and schedule detailed herein will result in either a *waiver of the item requested* or *the preclusion of items or testimony of the offending party's evidence at the time of trial*, and/or *the imposition of costs and sanctions*, unless otherwise ordered by the Court.

DATED: 9-12-17ENTER: Zg

J.S.C.

LAURA G. DOUGLAS  
Justice, Supreme Court  
Revised 7/15/08

## Compliance Conference Worksheet

17

0025643/2015

Date: 9/12/2017

JAVIER, MARISOL

vs. HYDE LEADERSHIP CHARTER SCHOOL

IAS Justice: HON. LIZBETH GONZALEZ

## Appearances:

Attorney Appearing at Conference

Attorney/Firm of Record

(Print Name and Direct Phone #)

Plaintiff:

JOSEPH A. MARIA, ESQ.

Defendant:

Laura Maletta

CORNELL GRACE, P.C.

Defendant:

Defendant:

## Insurance:

Carrier: UE Policy Limits: 1 million Name of Adjuster: Alicia Williams Excess:Existing Orders: Yes ☐ No ☒ If yes, specify:

(For Disclosure, Other than PC Order, or Joint Trial/Consolidation)

Pending Motions: Yes ☐ No ☒ If yes, specify nature and date submitted:Liability Summary: Failure to provide adequate protection to infant in, inadequate supervision and training

Damages Summary:

To be determined

Demand:

Offer:

Identify Following Action Types Product Liability ☐ Labor Law ☐ Lead Paint ☐ Other Malpractice ☐

## For Court Use Only

Complexity: Standard Case Type: E-FILED OTHER TORTSDisc Due Date: 1/10/2017 NOI Due Date: ☐ NOI Filed on: ☐ PC Held on: 2/25/2016

Other Comments:

Calendar Marking: \_\_\_\_\_